



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

E. 6  
2/5/97

147429

REPLY TO THE ATTENTION OF:

February 5, 1997

CERTIFIED MAIL RETURN  
RECEIPT REQUESTED

Philip M. Moilanen  
Bullen, Moilanen, Klaasen & Swan  
402 South Brown Street  
Jackson, Michigan 49203  
FAX (517) 788-8507

RE: Albion-Sheridan Township Landfill Site  
Albion, Michigan  
Unilateral Administrative Order For RD/RA

Dear Mr. Moilanen:

This letter responds to your letters dated November 11, 1996, May 21, 1996, and January 8, 1997, by which Decker Manufacturing ("Decker") offers to perform work required by the Unilateral Administrative Order For Remedial Design and Remedial Action, Order No. V-W-96-C-316 ("UAO") at the above referenced Site.

In response to those letters and offer, U.S. EPA accepts Decker's offer and hereby requests that Decker perform the following actions pursuant to the UAO:

1. Pursuant to paragraph 62 of the UAO, secure site access by purchasing the property located adjacent to the Site at 29951 E. Erie, Albion, MI, and 18475 28 Mile Road, Albion, MI. These properties are owned by Mr. and Mrs. Pratter, and Walt and Dick Gill, respectively. Decker shall purchase these properties by no later than April 15, 1997.

2.a. Pursuant to Section XV (Project Coordinator and Contractors) of the UAO, notify U.S. EPA of a Project Coordinator/Construction Contractor to implement the Operation and Maintenance ("O&M") portion of the Remedial Action. While implementation of the O&M plan is currently scheduled for December 1997/January 1998, Decker may wish to retain its project Coordinator/Construction Contractor to review and comment on the draft O&M plan, which is due by April 30, 1997. Decker shall

comply with all related provisions in the UAO and Statement of Work ("SOW").

b. Implement the Operation and Maintenance (O&M) plan, which is currently being drafted by other respondents to the above referenced UAO (see Task 7 of the SOW found in attachment 5 of the UAO).

Nothing in this letter shall be construed as a waiver or release of any kind for liability resulting from the release or threat of release of hazardous substances at or from the Site, including without limitation, response actions required by the UAO, past and future response costs under Section 107 of CERCLA, 42 U.S.C. Section 9607, and civil penalties, under Section 106 of CERCLA, 42 U.S.C. Section 9606, for Decker's past violations of the UAO.

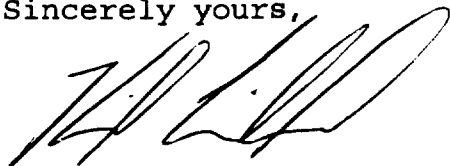
Furthermore, nothing in this letter shall be construed as a waiver or release of any kind of any provision in the UAO.

Failure to perform the actions set forth above, and to notify the undersigned as set forth below, shall be construed as a violation, in addition to any previous violation, by Decker of the UAO, and may subject Decker to civil penalties, under Section 106 of CERCLA, 42 U.S.C. Section 9606, of up to \$25,000 per day for each day of violation.

Please indicate Decker's unequivocal intent to perform the actions set forth above by contacting the undersigned and indicating such intention by no later than COB February 14, 1997.

If you have any questions regarding this matter, please do not hesitate to call me at (312) 886-6831.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'K. Lindland', with a stylized, flowing script.

Kurt N. Lindland  
Assistant Regional Counsel

cc: Jon W. Peterson/SR-6J